



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

Certified Mail

Return Receipt Requested

Receipt No:

7009 2820 0001 8697 4126

Date: **MAR 18 2018**

Dennis Wirzby  
Allstate Pools & Spas  
3075 E Thousand Oaks Blvd, #100  
Thousand Oaks, CA 91362

LETTER OF ADVISEMENT

Reference Number: F-ADL-16-5

Dear Mr. Wirzby:

It has been brought to the attention of the United States Environmental Protection Agency (U.S. EPA) that your company may be selling the product "Triden Pool System". This product may be in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The product website for "Triden Pool System" indicates that this product "uses copper and silver Ionization and Electrolysis" to "sanitize swimming pool water and spas" and "to kill the bacteria and to destroy algae". The product website also makes claims such as, "YOUR CAT AND DOG CAN DRINK FROM YOUR POOL SAFELY" and "Eliminates chlorine chemicals associated with severe health issues".

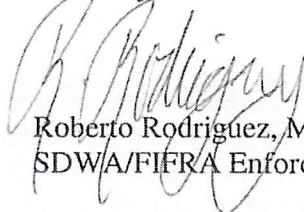
Section 2(u)(1) of FIFRA states: "A pesticide is any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest." Section 2(t)(2) of FIFRA defines the word "pest" to include: insects, rodents, fungus, terrestrial or aquatic plants, bacteria, other micro-organisms, etc. On September 21, 2007, EPA published a notice in Federal Register Vol. 72, No. 183, available online at <https://www.gpo.gov/fdsys/pkg/FR-2007-09-21/pdf/E7-18591.pdf>. The notice covers "...ion generators that incorporate a substance (e.g., silver or copper) in the form of an electrode...to release ions of that substance for the purpose of preventing, destroying, repelling, or mitigating a pest..." It states that "such items are considered pesticides for purposes of FIFRA, and must be registered prior to sale or distribution." It is a violation of Section 12(a)(1)(A) to sell and/or distribute any pesticide not registered under FIFRA. Since your product appears to be a pesticide, your company may be subject to penalties of not more than \$7,500 for each individual offense (Section 14(a)(1)).

Section 2(q)(1)(A) of FIFRA states that a pesticide is misbranded if "its labeling bears any statement...that is false or misleading in any particular." Specifically, 40 CFR 156.10(a)(5) states that "claims as to the safety of the pesticide or its ingredients" and "comparative statements on the safety of the product" are types of statements which constitute misbranding. Section 12(a)(1)(E) of FIFRA provides that it is unlawful to distribute or sell any pesticide which is misbranded. Sales and distributions of misbranded pesticides may be subject to penalties of not more than \$7,500 for each individual offense.

You are hereby requested to take all necessary actions to ensure that **ALL** of your products which would be considered pesticides are in compliance with FIFRA and its implementing regulations. You can find additional information concerning pesticide registration and Federal pesticide laws at <http://www2.epa.gov/pesticide-registration>. For information on how to register products, please visit <http://www2.epa.gov/pesticide-registration> and <http://www2.epa.gov/pesticide-registration/pesticide-registration-manual>. You can find information concerning labeling claims in Chapter 12 of EPA's Label Review Manual, located at <http://www2.epa.gov/sites/production/files/2015-03/documents/chap-12-nov-2013.pdf>.

If you any questions regarding this LETTER OF ADVISEMENT, please feel free to contact Panah Stauffer at (415) 972-3247.

Sincerely,



Roberto Rodriguez, Manager  
SDWA/FIFRA Enforcement Office

eCC: California Department of Pesticide Regulation





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SENDER: COMPLETE THIS SECTION	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	
1. Article Addressed to:	
Dennis Wirzby Allstate Pools & Spas 3075 E. Thousand Oaks Blvd. # 100 Thousand Oaks, CA 90362	
2. Article Number (Transfer from service label)	
7009-2820-0001-8697-4126	

COMPLETE THIS SECTION ON DELIVERY	
A. Signature X	<input type="checkbox"/> Agent <input type="checkbox"/> Address
B. Received by (Printed Name) Franco	C. Date of Deliv 3-21
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchand <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-

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